

# Plans Sub Committee – 24<sup>th</sup> November 2011 - Supplementary Report

**Application No** 11/02940/FULL1

**Ward:** Copers Cope

**Applicant :** Rochester Diocesan

**Address :**

Rear Of  
80 High Street  
Beckenham

**OS Grid**

**Ref:**  
**E:** 537394  
**N:** 169559

**Proposal:**

Part single storey/part two storey replacement building for continued use as light industrial (class B1) and leisure (class D2) (retrospective application)

**Conservation Area:**

**Listed Building:**

**Agenda Section: 2**

**Date report written:** 16th November 2011

**Case** Claire Harris

**Team:** DCW

**Officer:**

**Phone:** 020 8313 4956 x3669

**Objections:** NO

**Checked** TCB

**by:**

**Date of Neighbour Letter** 28/10/2011

**Date of Statutory** 07/11/2011

**Expiry**

**Consult. Expiry**

**Date of Weekly List Expiry** 07/11/2011

**Date of Site Notice**

**Expiry**

**Earliest Date for** 07/11/2011

**Date of Press**

**Determination**

**Advert Expiry**

**(Based on Above Information)**

**8 Week Target Date:** 15.11.2011

## Proposal

- The removal of the fire-damaged buildings and replacement building for continued use as light industrial (Class B1) and leisure (Class D2), as a dance studio
- part single storey/part two storey building sited adjacent to the south and west sides of the existing two storey dance studio building
- footprint is almost identical to that of the existing fire damaged building
- it would incorporate pitched roofs to a maximum height of 6m
- a small office is proposed at mezzanine level
- the development has already commenced.

## Location

The application site comprises a part one/two storey detached building located to the rear of No.80 High Street. No.80 is a four storey building with commercial premises at ground floor level (numbered 78, 82 and 84) and planning approval for the change of use to a restaurant.

There is a mix of uses on offer in this part of the High Street, predominantly A1, A2 and A3 uses as well as a few vacant premises and a small number of B1 and A4 uses.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and at the time the report was prepared no representations had been received.

## **Comments from Consultees**

The Council's Highways Development Engineers have raised no objections to the proposal in terms of the impact on parking demand and traffic generation within the surrounding road network.

The Council's waste advisors have stated the refuse storage area should be as existing.

The Environment Agency has raised no objections to the proposal on flood risk grounds.

English Heritage did not need to be consulted on the application.

## **Planning Considerations**

The site is within an area of archaeological significance and falls within Flood Zone 2 within an area of residual flood risk.

The application site is within an area of a high public transport accessibility level (PTAL) of 5 (on a scale of 1 – 6, where 6 is the most accessible).

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of new development  
BE16 Ancient Monuments and Archaeology  
C1 Community Facilities  
C2 Community Facilities and Development  
EMP6 Development Outside Business Areas  
L9 Indoor Recreation and Leisure  
S6 Retail and Leisure Development – existing centres  
T1 Transport Demand  
T18 Road safety.

London Plan Policies:

3.16 Protection and enhancement of social infrastructure  
4.1 Developing London's Economy  
4.2 Offices  
4.3 Mixed use development and offices  
4.4 Managing industrial land and premises  
4.6 Support for and enhancement of arts, culture, sport and entertainment provision  
4.7 Retail and town centre development  
4.12 Improving opportunities for all  
5.12 Flood risk management  
6.13 Parking  
7.15 Reducing noise and enhancing soundscapes

## National Planning Policy:

PPS1 Delivering Sustainable Development  
PPS1 Climate Change Supplement  
PPS22 Renewable Energy  
PPG13 Transport  
PPS24 Planning and Noise  
PPS25 Development and Flood Risk

## Planning History

91/00856 CHANGE OF USE FROM LIGHT INDUSTRIAL TO DANCE STUDIO – permitted

93/00689 - CHANGE OF USE FROM LIGHT INDUSTRIAL TO DANCE STUDIO  
RENEWAL OF PERMISSION REF 910856 – permitted

95/01311 - CONTINUED USE AS DANCE STUDIO RENEWAL OF PERMISSION  
930689 – permitted

97/00257 - CONTINUED USE AS DANCE STUDIO RENEWAL OF PERMISSION  
951311 refused on impact on residential amenities by reason of noise then allowed on  
Appeal.

98/00029 - CONTINUED USE AS DANCE STUDIO: refused on impact on residential  
amenities by reason of noise.

10/01044 - Part one/two storey replacement building for continued use as light industrial  
(Class B1) and leisure (Class D2) – permitted

ENF/11/00454 – Reinstatement of fire damaged building – alleged increase in height of walls  
– stop notice authorised 15-9-11. Further details are set out below.

## Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the implications it would have for parking and road safety and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The principle of re-instating the building for its previous uses has already been permitted through the granting of permission ref. 10/01044 in July 2010 and the uses proposed are unlikely to detrimentally impact the character, vitality or viability of Beckenham town centre. The Council encourages the removal and replacement of dilapidated and unsightly buildings from business sites and in this instance the proposed replacement building would be sympathetic to the scale, form and layout of adjacent buildings, being no higher than the existing building and approx. 2.5m lower in height than the previously approved scheme.

With regard to the impact on the amenities of nearby residents, the main issues to consider are the visual impact of the building, any potential overlooking of adjoining properties and the noise levels resulting from the uses proposed. The proposed building would be in similar proximity to adjacent residential properties as the existing premises, and given the modest height now proposed would be unlikely to have a significant impact on the outlook or amenities of occupiers of nearby properties in the High Street and Church Avenue.

The applicants have stated that the usage of the building will remain at levels which previously existed. In addition to its principal use as a dance studio it appears that the D2 use will also include other activities including singing and aerobics classes and the hiring out to drama groups.

The previous grant of planning permission in 2010 included a condition restricting the type of sound equipment which could be used at the studios and required the submission of a scheme of soundproofing for the replacement building. In the current application the applicants are proposing construction materials which would achieve greater acoustic efficiency than the original building. However, conditions regarding remedial measures to reduce noise transmission to adjoining residential buildings as well as the type of sound equipment which can be used are, again, recommended in order to ensure residential amenities in the vicinity of the site are not unduly harmed.

In the current application, the applicants are proposing to extend hours of operation than was previously allowed and have suggested it should operate from 10am until 11pm Monday to Saturday and 10am to 10pm on Sundays. As the previous permission allowed operation until 10pm on weekdays and Saturdays, the extension until 11pm is considered to be acceptable. However, as the previous permission only allowed Sunday operation until 4pm, the proposed extension until 10pm is likely to lead to additional noise and disturbance detrimental to the amenities of nearby residential dwellings. However, Members may agree that an extension until 7pm may be more appropriate on Sundays.

There is a high level window proposed on the northern elevation to serve dance studio 1 facing the rear gardens of houses in Church Avenue. As this is a single storey building and the window has a sill approximately 1.5m above floor level it would not result in any undue harm to amenities of occupiers of neighbouring properties. There are no windows proposed on the southern flank elevation.

The development would be easily accessible by public transport, being in an area with a high PTAL rating and would be designed to be accessible and compliant with Part M of the Building Regulations, thereby easily used by all sectors of society.

In terms of the impact on road safety and parking within the local road network, there are pay and display parking bays within the vicinity of the site and as the development is a continued use of the commercial accommodation with similar traffic generation, the proposal is unlikely to have a significant impact.

The recent planning history is summarised above and it will be noted that authority was given to issue a stop notice on 15-9-11. Construction work commenced on the reinstatement of the fire damaged buildings in early September 2011. A complaint was received alleging that the height of the original brick walls was being increased by 4 brick course (approx. 300mm). Members resolved to issue a stop notice if unauthorised works continued but the applicant voluntarily agreed to cease work and submit a new application for the revised scheme. It was therefore unnecessary to issue the stop notice.

A further report was submitted to Plans Sub Committee on 13-10-11 when it was resolved to retain the earlier authority to issue a stop notice if works recommenced. To date the notice has not been issued.

A further complaint was received on 16-11-11 alleging that works had resumed on site. A site visit confirmed that 3 of the 4 courses of new brickwork had been removed and works had commenced on the construction of the new roof structure in advance of the determination of the current application. The roof currently being constructed appears to be in accordance with the submitted plans and is substantially lower than the building permitted in 2010. Legal advice was sought as to whether enforcement action was expedient but the Council's solicitor advised that, given the latest application was ready for determination, the matter should be referred to Members for further instructions. A further update will be given at committee if necessary.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above it was considered that the siting, size and design of the proposed development is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file refs. DC10/10144 and 11/02940, excluding exempt information.

### **Recommendation:**

#### **PERMISSION BE GRANTED**

Subject to the following conditions:

A01

C04

D02

REASON: To ensure a satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

K01

REASON: In order to comply with Policies BE1, EMP6 and L9 of the Unitary Development Plan and in the interest of the appearance of the building and the residential amenities of the area.

N/S 1 The Light Industrial use shall not operate on any Sunday or Bank Holiday, Xmas Day or Good Friday, nor before 0800 hours or after 1800 hours on any other day.

REASON: In order to comply with Policies BE1 and EMP6 of the Unitary Development Plan and in the interest of the amenities of the area.

N/S 2 The Leisure use shall not operate before 1000 hours or after 2300 hours Monday to Saturday, nor before 1000 hours or after 1900 hours on any Sunday or Bank Holiday.

REASON: In order to comply with Policies BE1 and L9 of the Unitary Development Plan and in the interest of the amenities of the area.

N/S 3 No sound reproduction equipment other than portable and small domestic equipment shall be used at any time on the premises.

REASON: In order to comply with Policies BE1 and L9 of the Unitary Development Plan and in the interest of the amenities of the area.

N/S 4 Details of a scheme of soundproofing to the replacement building hereby permitted so as to achieve a reasonable resistance to airborne sound as far as practical shall be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented prior to the occupation of the building and shall be permanently retained thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.

**Informative:**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

**Reasons for granting permission:**

In granting permission the local planning authority had regard to the following policies:-

The relevant policies of the Unitary Development Plan are:

BE1 Design of new development  
BE16 Ancient Monuments and Archaeology  
C1 Community Facilities  
C2 Community Facilities and Development  
EMP6 Development Outside Business Areas  
L9 Indoor Recreation and Leisure  
S6 Retail and Leisure Development – existing centres  
T1 Transport Demand  
T18 Road safety.

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to the adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) accessibility to buildings

- (h) the safety of pedestrians and motorists on the adjacent highway
- (i) the transport policies of the development plan
- (j) the archaeology policies of the development plan

and having regard to all other matter raised.

### **Check List for Reporting Applications:**

Have you checked and / or done the following?:

- Notified interested Councillors of decision date and put copy of e-mail on file?
- Stamped and filed Exempt Information in Exempt Wallet?
- Checked that all consultation periods including site notices will have expired before date of committee delegation?
- Noted any amended documents on the report?
- Checked that there are red lines indicating new development on plans where appropriate?
- Checked that there is an Ordnance Survey plan at the rear of the file?
- Appropriately stamped and sorted plans making sure that there are two sets if possible?
- Marked Objections on the front of the file where there are objections?
- Provided inserts as appropriate to standard conditions in the recommendation?
- Got your team manager to agree the report?
- Marked photographs with file ref, initials etc and indicated the application site / buildings on the photo where unclear?

### **PSC Monitoring**

Please indicate **ONE** reason that this case is to be considered at committee:  
(For deferred cases this should be the reason even if the original reason was sidespace etc)

- Call In
- Outside Delegated Powers
- Sidespace Policy
- Deferred from previous PSC
- Major Objections / Otherwise Controversial
- Deferred from Delegation